

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ELLEN T. FLOWERS,

Plaintiff,

VS.

ALLSTATE INDEMNITY COMPANY,

Defendants.

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CASE NO.: CV 3:06-552-SRW

REQUEST FOR RELIEF FROM RULE 16(b) SCHEDULING ORDER

_____COMES NOW the Defendant, Allstate Indemnity Company (“Allstate”), and respectfully requests this Court enter an Order granting relief from the dispositive motions requirements set forth within this Court’s August 10, 2006 Order. As grounds therefore, this Defendant shows unto the Court as follows:

1. Plaintiff’s Complaint was originally filed on or about January 24, 2006 in the Circuit Court of Macon County, Alabama. On or about June 21, 2006, this lawsuit was removed to the United State District Court for the Middle District of Alabama, Eastern Divison.

2. On or about September 22, 2006, Allstate submitted Interrogatories and Requests for Production to Plaintiff. With regard to Plaintiff’s responses, this Defendant has yet to receive any responses.

3. On November 2, 2006, this Court entered an Order granting Plaintiff’s attorney’s motion to withdraw. Additionally, this Court ordered Plaintiff to comply with several requirements in regards to retaining counsel in this action.

4. On February 12, 2007, just three weeks prior to this Court’s original deadline to file

any dispositive motions, attorney Michael F. Braun filed a Notice of Appearance for Plaintiff.

5. To date, this Defendant has not received any responses to their discovery requests, nor had the opportunity to depose the Plaintiff.

6. For the reasons outlined above this Defendant respectfully requests this Court allow an extension of time to file dispositive motions as set forth within this Court's previous Scheduling Order.

WHEREFORE, PREMISES CONSIDERED, this Defendant respectfully requests this Court enter an Order granting relief from the Rule 16(b) Scheduling Order of August 10, 2006 to the extent that Order requires the filing of all dispositive motions by March 1, 2007.

Respectfully submitted,
s/Thomas E. Bazemore, III
Gordon J. Brady, III
Three Protective Center, Suite 200
2801 Highway 280 South
Birmingham, Alabama 35223-2484
Tel: 205/251-1193
Fax: 205/251-1256
teb@hfsllp.com
gjb@hfsllp.com

ATTORNEYS FOR DEFENDANT,
ALLSTATE INSURANCE COMPANY

OF COUNSEL:

HUIE, FERNAMBUCQ AND STEWART, LLP
The Protective Center
2801 Highway 280 South, St. 200
Birmingham, Alabama 35223
Telephone : (205) 251-1193
Telecopier: (205) 251-1256

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing on the following parties by placing same in the United States Mail, postage prepaid and properly addressed on this 26th day of February, 2007.

Michael F. Braun
P.O. Box 70527
Montgomery, Alabama 36107

s/Thomas E. Bazemore, III
Of Counsel